

# **Town Board Minutes**

**Meeting  
No. 29**

***Special Meeting***

**September 15, 1997**

MEETINGS TO DATE 30  
NO. OF REGULARS 17  
NO. OF SPECIALS 13

LANCASTER, NEW YORK  
SEPTEMBER 15, 1997

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 15th day of September, 1997, at 6:30 PM and there were

**PRESENT:** ROBERT GIZA, SUPERVISOR  
DONALD KWAK, COUNCIL MEMBER  
JOHN MILLER, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD CHAIRMAN  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** FRANK DE CARLO, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
DAVID MARRANO, PLANNING BOARD MEMBER  
MILDRED WHITTAKER, PLANNING BOARD MEMBER

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of two actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
GOOD EARTH ORGANICS SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Good Earth Organics site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR . TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
GOOD EARTH ORGANICS SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 2.2 acres.

The location of the premises being reviewed is situate on the north side of Broadway, east of Cemetery Road.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment

Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)

- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy.

**No adverse effects noted**

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

September 15, 1997

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

September 15, 1997

**IN THE MATTER OF THE UNCOORDINATED SEQR REVIEW OF THE  
TOWN LINE VOLUNTEER FIRE DEPARTMENT SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Town Line Volunteer Fire Department site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER SZYMANSKI, TO WIT:**

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
TOWN LINE VOLUNTEER FIRE DEPARTMENT SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 2.0± acres.

The location of the premises being reviewed is situate at 6507 Broadway.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy.

**No adverse effects noted**

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

September 15, 1997

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and  
and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

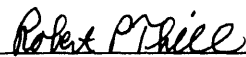
SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

September 15, 1997

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:40 P.M.

  
Robert P. Thill, Town Clerk



# **Town Board Minutes**

**Meeting  
No. 30**

***Regular Meeting***

**September 15, 1997**

MEETINGS TO DATE 31  
NO. OF REGULARS 18  
NO. OF SPECIALS 13

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LANCASTER, NEW YORK  
SEPTEMBER 15, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 15th day of September 1997 at 8:00 P.M. and there were

**PRESENT:** DONALD KWAK, COUNCIL MEMBER  
JOHN MILLER, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
THOMAS FOWLER, CHIEF OF POLICE  
JOHANNA COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR

**PERSONS ADDRESSING TOWN BOARD:**

**Thurnherr, Colleen**, 29 Ronald Drive spoke to the Town Board on the following matter:

- Upgrading of the playground equipment at Meadow Lea Park.

**Allein, James**, 99 Court Street, spoke to the Town Board on the following matter:

- A dangerous condition that exists on the west side of Central Avenue from Countryview Way south to Walden Avenue, at approximately 2:00 each day. As school buses discharge students at intersecting streets anxious drivers are passing the school buses on the right side road shoulder.

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Requested additional information on prefiled resolution numbers 3, 10 and 12.
- Commented on the poor appearance of the used car sales office at the south/east corner of Genesee Street and Transit Road.
- Commented on Town of Lancaster political signs being displayed on Transit Road and Genesee Street in the Town of Cheektowaga.

**Condello, Steve**, 1 Pleasant Avenue West, spoke to the Town Board on the following matter:

- Requested an update on the present status of the AHEPA #91 Inc. Senior Housing Project.

**Zichitella, Robert**, 53 Country Place, spoke to the Town Board on the following matter:

- State Aid available for grants for conservation area preservation.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

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At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town regarding Article IX - Speed Regulations, Maximum Speed Limits, pertaining to Ransom Road.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

None

**OPPOSERS**

None

**COMMENTS & QUESTIONS**

Fred Hamburg

**ADDRESS**

240 Ransom Road

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

**PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:**

At 8:45 P.M., the Town Board reconvened an adjourned Public Hearing to hear all interested persons upon the application of James L. Busshart, President of Mr. Oil Change, for a Special Use Permit for the purpose of conducting New York State Motor Vehicle Inspections on premises locally known as 5123 Transit Road, Town of Lancaster, County of Erie, State of New York.

**PROPOSERS**

None

**OPPOSERS**

None

**COMMENTS & QUESTIONS**

None

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was again adjourned to 8:45 P.M. on October 6, 1997.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK. WHO MOVED  
ITS ADOPTION. SECONDED BY COUNCIL  
MEMBER MILLER. TO WIT:

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board  
held on September 2, 1997 be and hereby is approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated September 6, 1997, has requested the addition of a probationary active member and a deletion to the membership roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition and deletion to the membership of the Bowmansville Volunteer Fire Association, Inc. of the following individuals:

**ADDITION**

William S. Mazurek  
300 Pleasant View Dr  
Lancaster, New York 14086

**DELETION**

Dennis Fault

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Lancaster Central School District has requested the Town of Lancaster Youth Bureau to continue to furnish a Coordinator, under a contract with the Town, for its Youth-at-Risk and Community Partnership Grant Program, and

**WHEREAS**, the School District will provide 100% of the cost of direct salary and fringe benefit costs to the Town for providing this service to the District, and

**WHEREAS**, the Executive Director of the Lancaster Youth Bureau, by letter dated September 10, 1997, has recommended the appointment of Anne Monin, 57 Gale Drive, Lancaster, New York, to the position of Program Leader (Youth) in the Youth Bureau at an hourly rate of \$14.20, plus certain fringe benefits, effective September 8, 1997,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Supervisor of the Town of Lancaster is hereby authorized to enter into an Agreement with the Lancaster Central School District for the purpose of the Town of Lancaster Youth Bureau providing a Coordinator for the Lancaster Central School District's Youth-at-Risk and Community Partnership Grant Program for the period September 8, 1997 to June 30, 1998, with the School District paying 100% of the cost of direct salary, plus fringe benefits to the Town, to wit: approximately \$19,472.00 which includes approximately \$15,932.00 for direct salary and \$3,540.00 for fringe benefits to be paid in installments of \$3,000.00 on or about October 1, 1997, and \$8,236.00 on or about January 1, 1998, and \$8,236.00 on or about April 1, 1998.

2. That the Town Board of the Town of Lancaster hereby appoints **ANNE MONIN**, 57 Gale Drive, Lancaster, New York, to the temporary position of Program Leader (Youth) for the period September 8, 1997 through June 30, 1998, at an hourly rate of \$14.20 with future increases at the recommendation of the Executive Director of the Youth Bureau and subject to availability of funds from the Lancaster Central School District, based upon a Contract Agreement with the said School District as herein stated, and

3. That the following amendments to the 1997 General Fund Budget be and are hereby adopted:

**INCREASE**

A510	Estimated Revenues	3,000.00
A960	Appropriations	3,000.00

Subsidiary Ledger - Revenues

A2379	Program Leader (Youth) LCSD Contribution	3,000.00
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Subsidiary Ledger - Appropriations

A4320.1	Mental Health Program - Pers. Serv.	1,950.00
A9060	Hospital/Medical/Dental Insurance	900.00
A9030	Social Security	150.00

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER KWAK. TO WIT:

**WHEREAS**, a Public Hearing was held on the 15th day of September, 1997 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster; and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on September 15, 1997;
3. That a Certified Copy thereof be published in the Lancaster Bee on September 18, 1997;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rvtorda.997



**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE IX - Speed Regulations.**

**§46-9. Maximum speed limits, is hereby amended as follows:**

- 
- C. "A speed limit of forty-five (45) miles per hour shall be posted on the following designated highways", shall be amended by adding thereto the following:

- .....
- (16) Ransom Road for northbound and southbound traffic south from Broadway to Hall Road.

**September 15, 1997**

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that **I, ROBERT P. THILL**, Town Clerk of the **Town of Lancaster** in the said **County of Erie**, have compared the foregoing copy of an amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster with the original thereof filed in my office at Lancaster, New York, on the 15th day of September, 1997, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town this 16th day of September, 1997.

  
\_\_\_\_\_  
Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK , WHO MOVED  
ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPIAK. TO WIT:

**WHEREAS**, the County of Erie desires to make available to residents of the  
County, certain services to the elderly, and

**WHEREAS**, the Town of Lancaster provides programs for the senior citizens  
and operates a senior center facility, and

**WHEREAS**, the County has proposed a contractual arrangement with the Town  
whereby the County will pay the sum of \$1,500.00 to the Town for the calendar year 1997, in  
consideration of the Town continuing its senior services programs;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster deems it in the  
public interest to enter into the contract with the County of Erie by which the County will  
provide the sum of \$1,500.00 to the Town of Lancaster for the continuation of the senior  
citizens' programs and further authorizes the Supervisor to execute the contract by the Town of  
Lancaster and County of Erie for this purpose.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rasrsvc

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER , WHO MOVED  
ITS ADOPTION,                      SECONDED BY  
COUNCIL MEMBER KWAK.                      TO WIT:

**WHEREAS**, the Millgrove Volunteer Fire Department, Inc., wishes to amend its Certificate of Incorporation in order to obtain a tax exemption status in accordance with §501© (3) of the Internal Revenue Code, and

**WHEREAS**, such amendment is subject to Town Board approval, after a public hearing required by § 404 (f) of the Not-For-Profit Corporation Law;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 404 (f) of the Not-For-Profit Corporation Law of the State of New York, a Public Hearing for the purpose of hearing all persons interested in the amendment to the Certificate of Incorporation of the Millgrove Volunteer Fire Department, Inc., will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of October, 1997, at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published twice (on September 18, 1997 and September 25, 1997) in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rmlgfdp

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Not-For-Profit Corporation Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted September 15, 1997, the said Town Board shall conduct a public hearing on Monday, October 6, 1997 at 8:30 o'clock P.M., local time for the purpose of hearing all persons interested in the amendment to the Certificate of Incorporation of the Millgrove Volunteer Fire Department, Inc.

The Fire Department is proposing to amend its Certificate for the purpose of complying with Internal Revenue provisions pertaining to tax exemption status of the fire company in accordance with §501 (c) (3) of the Internal Revenue Code. A copy of the proposed amendment is on file in the Town Clerk's Office for inspection during business hours.

Signatories to amended Certificate of Incorporation are the President of the Fire Department, Helen Uebelhoer, and Secretary Tracy C. Lords.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **ROBERT P. THILL**  
Town Clerk

September 15, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER , WHO MOVED  
ITS ADOPTION.                      SECONDED BY  
COUNCIL MEMBER STEMPNIAK.      TO WIT:

**WHEREAS**, it is essential to public safety that the Town of Lancaster continue  
its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities,  
and

**WHEREAS**, the County of Erie has tendered an application to the Town of  
Lancaster for participation in said coordinated effort for the year 1997;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to  
execute on behalf of the Town of Lancaster, the 1997 Application with the County of Erie for  
participation in funding of alcohol related traffic safety law enforcement activities under the  
1997 STOP-DWI Grant Program.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rastpdwi

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER , WHO MOVED  
ITS ADOPTION.                      SECONDED BY  
COUNCIL MEMBER MONTOUR,              TO WIT:

**WHEREAS**, Browning Ferris Industries of New York ,Inc., (BFI) will be a part  
of and merged with its corporate parent BFI Waste Systems of North America, Inc., and

**WHEREAS**, the company will remain the same other than the identity change.  
and

**WHEREAS**, the Town of Lancaster has entered into Materials Recovery Facility  
Agreement dated July 12, 1993, with said BFI of New York, Inc., for disposal of municipal  
recyclable waste, and the said contract now requests the consent of the Town of Lancaster to  
assign the contract to BFI Waste Systems of North America, Inc., upon the representation that  
there will be no change in the operation or management of the local facility:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes  
the Supervisor to execute a consent to transfer the before mentioned contract to BFI Waste  
Systems of North America, Inc.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rbf

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY SUPERVISOR GIZA. WHO MOVED ITS  
 ADOPTION. SECONDED BY COUNCIL  
 MEMBER KWAK , TO WIT:

**WHEREAS**, the Town Justices of the Town of Lancaster, by memorandum dated August 26, 1997, have outlined the need for an upgrade to the department's computer system as well as their request for a budget adjustment to the 1997 adopted budget of the Town of Lancaster, to cover the cost of the upgrade,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following line item transfers be and are hereby approved in the 1997 adopted budget of the Town of Lancaster:

**General Fund:**

	<u>Decrease</u>	<u>Increase</u>
A1990.411 Contingency Account	\$9,427.00	
A1110.210 Town Justice, Equipment		\$9,427.00
<b>General Fund Totals:</b>	<b>\$9,427.00</b>	<b>\$9,427.00</b>

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Arminster Bhamra, has submitted a Site Plan dated October 10, 1995 and revised October 19, 1995 and November 15, 1995, for the construction of a 1,000 s.f. pool enclosure at the Ramada Inn located on north side of Freeman Road and locally known as 48 Freeman Road, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan, and by letter dated September 7, 1997, recommended approval of this project, and

**WHEREAS**, this project was reviewed for SEQR purposes and it was determined that this project was a "Type II" Action and as such, no further review is necessary;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared Bissell, Stone Associates, dated October 10, 1995 and revised October 19, 1995 and November 15, 1995 for construction of a 1,000 s.f. pool enclosure at the Ramada Inn located on the north side of Freeman Road and locally known as 48 Freeman Road, in the Town of Lancaster subject to the following condition:

- Submission of a full site landscape plan for approval within thirty (30) days by the Town of Lancaster Department of Parks, Recreation and Forestry, with construction to commence within one (1) year after approval.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rasite2.997



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER KWAK, TO WIT:

**WHEREAS**, Town Line Volunteer Fire Department, Inc., has submitted a Site Plan dated August 15, 1997, for the construction of a 5,000 s.f. addition to its facility on property located on the south side of Broadway west of Town Line Road, and locally known as 6507 Broadway, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan, and by letter dated September 7, 1997, recommended approval of this project, and

**WHEREAS**, a SEQR review was held on this project on September 7, 1997, and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared and submitted by Carmina Silvestri Architects, PC dated August 15, 1997, for construction of a 5,000 s.f. addition to its facility on property located on the south side of Broadway, west of Town Line Road and locally known as 6507 Broadway in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rasite1.997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

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**WHEREAS**, Guenter Burkhardt, has submitted a Site Plan dated February 7, 1996 and revised July, 1997, for the construction of a 60,000 s.f. office/warehouse building on property located on the north side of Broadway east of Cemetery Road, and locally known as 5960 Broadway, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan, and by letter dated August, 1997, recommended approval of this project, subject to certain conditions, and

**WHEREAS**, a SEQR review was held on this project on September 15, 1997, and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared by Harvey Roessler dated February 7, 1969, and revised July, 1997, for construction of a 60,000 s.f. office/warehouse building on property located on the north side of Broadway, east of Cemetery Road and locally known as 5960 Broadway in the Town of Lancaster, subject to the following conditions:

- Lower height of building to 35 feet or obtain a variance;
- Increase west side yard from 25 ft. to 50 ft. where it borders the AR-District by moving building to the east, or obtain a variance;
- Landscape shall be reviewed by Department of Parks, Senior Facility and Buildings and Grounds, and Town Board; and
- Building Permit must be applied for within six (6) months from the date of this resolution and construction is to commence within one (1) year of the date of this resolution and in the event construction does not commence within one year from the date of this resolution, then the building permit, as issued, shall become null and void.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File: rasite3.997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MILLER, TO WIT:

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**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts:

Claim No. 15896 to Claim No. 16113 Inclusive

Total amount hereby authorized to be paid: **\$594,675.29**

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STAMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

File RC CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

No.	Code	Applicant	Street Address	Structure
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**PREVIOUSLY TABLED:**

4507		Daniel Piotrowski	43 Hillside Pkwy	Er. Sin. Dwlg
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**NEW PERMITS:**

4509		Albert Randaccio Bldrs	130 Siebert Rd	Er. Sin. Dwlg
4510		Leanne Hull	867 Erie St	Er. Deck
4511		Mr. Zielinski	55 Michael's Wlk	Er. Shed
4512		Mel Sheeler	610 Hall Rd	Er. Shed
4513		Joe Sheldon	58 Rehm Rd	Er. Fence
4514		Kenneth Jarosz	165 Schwartz Rd	Er. Shed
4515		D R Chamberlin Corp	5121 Transit Rd	Er. Blk Bldg
4516		John Mruk	49 Lake Fst Pkwy E	Ex. Sin. Dwlg
4517		Scott Hedges	22 Hill Valley Dr	Er. Deck
4518		Michael Brown	55 Old Post Rd	Er. Fence
4519		Chris Moyo	580 Lake Ave	Er. Fence
4520		William Lorenz Jr	4 Overton Ct	Er. Shed
4521		Skarbowski Const	22 Running Brk Dr	Ex. Sin. Dwlg
4522		M J Ogiony Bldrs	18 Sugarbush Ln	Er. Sin. Dwlg
4523		Britt Const Inc	6705 Transit Rd	Er. Retail Store
4524		Dicom Construction	208 Enchanted Fst N	Er. Sin. Dwlg
4525		John Travis	49 Stutzman Rd	Er. Deck
4526		Majestic Pools Inc	12 Cedar Brk Dr	Er. Fence/Pool
4527		Forbes Homes Inc	150 Siebert Rd	Er. Sin. Dwlg

4528	Ryan Homes	296 Enchanted Fst N	Er. Sin. Dwlg
4529	Linda Guzik	39 Stream View Ln	Er. Sin. Dwlg
4530	Classic Fence Inc	28 Hill Valley Dr	Er. Fence
4531	Martin Hurley	76 Steinfeldt Rd	Er. Fence
4532	Paul Anthony Design	6707 Broadway	Er. Sign
4533	Deck Etc Inc	12 Cedar Brk Dr	Er. Deck
4534	Douglas Sherman	5 Robins Nest Ct	Er. Fireplace
4535	Ryan Homes	63 Michael Anthony	Er. Sin. Dwlg
4536	Ryan Homes	6 Queen's Way	Er. Sin. Dwlg
4537	Wilcox Brothers Sign	6707 Transit Rd	Er. Sign
4538	Michael Buczkowski	814 Ransom Rd	Er. Shed

and,

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter  
dated September 10, 1997, has requested the addition of one member to the active roster of said  
fire association,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the  
addition to the membership of the Twin District Volunteer Fire Company, Inc. of the following  
individual:

**ADDITION**

Carl Drechsel III  
82 Williamsburg Lane  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 15, 1997

**COMMUNICATIONS:**

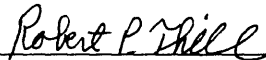
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594. Town Clerk to Supervisor -  
Monthly report for August 1997. DISPOSITION: Received and Filed
595. Town Clerk to Fire Chiefs and Presidents -  
Notice of schedule for annual inspection on 9/29/97. DISPOSITION: Received and Filed
596. Disaster Coordinator to Town Board -  
Minutes from meeting held 8/28/97. DISPOSITION: Received and Filed
597. Bowmansville VFA to Town Board -  
Notification of addition to and deletion from of members. DISPOSITION: Received and Filed
598. Town Clerk to Planning Board -  
Transmittal of rezone petition of Marrano/Marc Equity for Trentwood Trail Extension.  
DISPOSITION: Planning Committee
599. Planning Board to Town Board -  
Agenda for meeting of 9/17/97. DISPOSITION: Received and Filed
600. Planning Board to Town Board -  
Recommend approval of Ramada Limited site plan. DISPOSITION: Received and Filed
601. Planning Board to Town Board -  
Recommend approval of Town Line VFD site plan. DISPOSITION: Received and Filed
602. Planning Board to Town Board -  
Minutes from meeting held 9/3/97. DISPOSITION: Received and Filed
603. Town Clerk to Media -  
Notice of SEQR meeting to be held 9/15/97 re: site plans for Good Earth Organics and Town  
Line VFD. DISPOSITION: Received and Filed
604. Keith A. Wilkinson to Town Clerk -  
Request refund of inspection deposit for water line in Lancaster Industrial Commerce Center.  
DISPOSITION: Town Clerk for resolution for next Town Board meeting.
605. Receiver of Taxes to Town Board -  
Transmittal of final report of 1997 County/Town tax collection. DISPOSITION: Received  
and Filed
606. UB Dept. Of Emergency Medicine to Police Chief -  
Letter of commendation to personnel involved in department's commitment to first responder  
defibrillation. DISPOSITION: Received and Filed
607. Town Line VFD to Supervisor -  
Notification of construction of 5,000 s.q. addition to main station located at 6507 Broadway.  
DISPOSITION: Received and Filed
608. Assoc. of Erie County Governments to Supervisor -  
Notice of meeting to be held 9/25/97 at Akron. DISPOSITION: Received and Filed
609. NYSEG to Supervisor -  
News release re: Community Watch program effective 9/1/97. DISPOSITION: Received and  
Filed
610. General Crew Chief to Town Engineer -  
Comments with request assistance and expertise re: lightning storm damage. DISPOSITION:  
Received and Filed
611. NYS Thruway Authority to Supervisor -  
Transmittal of status report re: Eastern Buffalo Area Interchange Evaluation Study.  
DISPOSITION: Supervisor
612. NYS Legislative Commission on Rural Resources to Supervisor -  
News release entitled "Governor Signs Intermunicipal Cooperation Bill". DISPOSITION:  
Received and Filed
613. Twin District VFC to Town Clerk -  
Notification of member added to active roster. DISPOSITION: Received and Filed

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614. Youth Bureau Ex. Dir. to Town Board -  
Recommend re-appointment of Ann Monin to temporary position of Program Leader (Youth)  
for period 9/8/97-6/30/97. DISPOSITION: Received and Filed
615. Youth Bureau Ex. Dir. to Town Board -  
Notification of resignation of Kimberly McEwen, Youth Counselor, effective 9/12/97 with  
request that current eligibility list for said position be obtained from Erie County Personnel.  
DISPOSITION: Received and Filed
616. Youth Bureau Ex. Dir. to Town Board -  
Request response concerning requests from various community groups to use Youth Bureau  
for evening meetings. DISPOSITION: Supervisor, Town Attorney
617. Youth Bureau Ex. Dir. to Town Board -  
Comments re: involvement in inter-municipal cooperation. DISPOSITION: Received and  
Filed
618. Colleen Thurnherr, 29 Ronald Dr., to Town Board -  
Petition signed by Lancaster residents re: concerns and request for updating playground  
equipment in Meadow Lea Park. DISPOSITION: Recreation Committee, Council Member  
Kwak and General Crew Chief McCracken.

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE  
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:05 P.M.



Robert P. Thill, Town Clerk